

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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MARQUETTE BENSON,	)	
	)	
Petitioner,	)	
	)	No. 2:19-cv-02236-TLP-tmp
v.	)	
	)	
STATE OF TENNESSEE, SHELBY	)	
COUNTY CRIMINAL COURT DIVISION	)	
8, ATTORNEY GENERAL LEON JOSE,	)	
and TRENT HALL,	)	
	)	
Respondents.	)	

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**ORDER DIRECTING PETITIONER TO REFILE HABEAS PETITION  
ON CORRECT FORM**

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Petitioner Marquette Benson<sup>1</sup> filed a pro se petition under 28 U.S.C. § 2254 (ECF No. 1.) Under Rule 2(c) of the Rules Governing Section 2254 Cases in the United States District Courts (“Habeas Rules”), a § 2254 Petition shall specify:

- 1) all the grounds for relief available to the petitioner;
- 2) the facts supporting each ground; and
- 3) the relief requested.

*See* Habeas Rule 2(c).

Habeas Rule 2(d) states that “[t]he petition must substantially follow either the form appended to these rules or a form prescribed by a local district-court rule.” This Court uses

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<sup>1</sup> Petitioner, Tennessee Department of Corrections prisoner number 288175, is currently incarcerated at the Trousdale Turner Correctional Center in Hartsville, Tennessee.

Form Number AO 241 published by the Administrative Office of the United States Courts.<sup>2</sup> It is necessary that Petitioners use the official form to facilitate review of the § 2254 petition in an efficient manner. Here however, Petitioner did not use the proper form in filing his § 2254 Petition.

As such, Petitioner's § 2254 Petition does not satisfy the requirements of Habeas Rule 2 or provide the requisite information in the form. Hence the Court ORDERS Petitioner to file an amended petition on the official form and provide the information required on the habeas form for each ground for relief within twenty-eight (28) days of the entry of this Order.<sup>3</sup> The form must be filled out completely and signed by Petitioner under penalty of perjury.

Failure to comply with this Order in a timely manner will result in dismissal of this action without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b).

**SO ORDERED**, this 14th day of August, 2019.

s/Thomas L. Parker  
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THOMAS L. PARKER  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> See Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254, AO Form 241, <https://www.uscourts.gov/forms/civil-forms/petition-writ-habeas-corpus-under-28-usc-ss-2254>

<sup>3</sup> The Clerk is DIRECTED to mail Petitioner a copy of Form Number AO 241 and record the date that the form was mailed on the docket sheet.